IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4896 OF 2005

Kisan Rampal Rana @ Bhora ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.S.D.Patil for the Applicant
Ms S.D.Shinde,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 12,2005

P.C.:

1. The offence alleged against the Applicant and co-accused is punishable under Sections 307, 324, 323, read with section 34 of I.P.C.

2. The learned Advocate for the applicant submitted that the Applicant himself has received serious injuries on his head and there is no explanation forthcoming for the injuries on the head of the Applicant. He submitted that on plain reading of the F.I.R. and statements of the witnesses, the prosecution story appears to be doubtful as it is alleged that the Applicant along with Dinesh simply walked away from the spot of incident. He submitted that there appears rivalry between the two groups. He submitted that in fact the intention of the rival group appears to assault the Applicant. He invited my attention to the injury certificate of the applicant. The learned A.P.P. has placed on record relevant documents. The learned A.P.P. submitted that no case is made

out for enlarging the Applicant on bail.

3. From the injury certificate of injured Pradeep it appears that he sustained a major injury to lever and sufferedgall bladder perforation. The allegation against the Applicant which is reflected in the F.I.R. and the statements of the witnesses show that he stabbed Pradeep by using a chopper in his abdomen. From the medical certificate it appears that injury is of very serious nature. There is a recovery of a chopper at the instance of the Applicant. There is enough material on record to show complicity of the Applicant in a crime of a very serious nature. There is some explanation in the statement of one of the witnesses for the injuries sustained by the Applicant on his head.

4. In my view, no case is made out for enlarging the Applicant on bail. Considering the facts and circumstances of the case, trial deserves to be expedited and the learned Ad hoc Additional Sessions Judge will conclude the trial within a period of eight months from today by treating the case as ‘High Court expedited trial.’

JUDGE